

Executive Summary – Enforcement Matter – Case No. 51152
City of Centerville
RN101610624
Docket No. 2015-1282-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Centerville Sewage Treatment Plant, located at 709 East Saint Mary's, immediately south of State Highway 7 and approximately 1,700 feet east of U.S. Highway 75, Centerville, Leon County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 25, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,491

Amount Deferred for Expedited Settlement: \$1,498

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,993

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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City of Centerville
RN101610624
Docket No. 2015-1282-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 9, 2015

Date(s) of NOE(s): August 11, 2015

Violation Information

1. Failed to report any effluent violations which deviate from the permitted effluent limits by more than 40% in writing to the Waco Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the Respondent did not submit noncompliance notifications for *Escherichia coli* violations for the monitoring periods ending January 31, 2015 and March 31, 2015 [30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0010147001, Monitoring and Reporting Requirements No. 7.c.].
2. Failed to comply with test procedures for the analysis of pollutants. Specifically, the toxicity characteristic leachate procedures (“TCLP”) samples were stored at 17.3 degrees Celsius. The samples are required to be stored at 6 degrees Celsius or less [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b), and TPDES Permit No. WQ0010147001, Sludge Provisions, Section I, B. Testing Requirements No. 1].
3. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration. Specifically, an unlicensed individual was performing process control duties [30 TEX. ADMIN. CODE §§ 30.350(d) and (j), and 305.125(1), and TPDES Permit No. WQ0010147001, Other Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 20, 2015, the Respondent has implemented the following corrective measures:

- a. Submitted noncompliance reports to the TCEQ Waco Regional Office for the monitoring periods ending January 31, 2015 and March 31, 2015;
- b. Updated operational procedures to ensure that noncompliance reports are submitted in a timely manner and to ensure that TCLP samples are stored at the required temperature; and
- c. Submitted a letter stating that only licensed operators and operator trainees are operating the Facility and collection system.

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City of Centerville
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Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Farhaud Abbaszadeh, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-0779; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Noal Ray Goolsby, Mayor, City of Centerville, P.O. Box
279, Centerville, Texas 75833

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	10-Aug-2015	Screening	19-Aug-2015	EPA Due	
	PCW	19-Aug-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Centerville
Reg. Ent. Ref. No.	RN101610624
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	51152	Order Type	1660
Docket No.	2015-1282-MWD-E	Government/Non-Profit	Yes
Media Program(s)	Water Quality	Enf. Coordinator	Farhaud Abbaszadeh
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	32.0% Enhancement	Subtotals 2, 3, & 7	\$2,240
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Notes: Enhancement for six months of self-reported effluent violations and one order with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,749
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$6
Estimated Cost of Compliance \$650

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,491
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$7,491
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,491
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,498
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,993
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Screening Date 19-Aug-2015

Docket No. 2015-1282-MWD-E

PCW

Respondent City of Centerville

Policy Revision 4 (April 2014)

Case ID No. 51152

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610624

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 32%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for six months of self-reported effluent violations and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 32%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 32%

Screening Date 19-Aug-2015

Docket No. 2015-1282-MWD-E

PCW

Respondent City of Centerville

Policy Revision 4 (April 2014)

Case ID No. 51152

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610624

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010147001, Monitoring and Reporting Requirements No. 7.c

Violation Description

Failed to report any effluent violations which deviate from the permitted effluent limits by more than 40% in writing to the Waco Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, as documented during an investigation conducted on July 9, 2015. Specifically, the Respondent did not submit noncompliance notifications for Escherichia coli violations for the monitoring periods ending January 31, 2015 and March 31, 2015.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

11 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

Two single events are recommended for each missing report.

Good Faith Efforts to Comply

25.0%

Reduction \$625

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent achieved compliance on July 20, 2015.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

Economic Benefit Worksheet

Respondent City of Centerville
Case ID No. 51152
Reg. Ent. Reference No. RN101610624
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	25-Feb-2015	20-Jul-2015	0.40	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	25-Feb-2015	20-Jul-2015	0.40	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to prepare and submit the noncompliance reports (2 x \$25) and to update operational procedures to ensure that noncompliance reports are submitted to the TCEQ in a timely manner. Date required is the date the first report was due and final date is the date the reports were submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$6

Screening Date 19-Aug-2015

Docket No. 2015-1282-MWD-E

PCW

Respondent City of Centerville

Policy Revision 4 (April 2014)

Case ID No. 51152

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610624

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(b) and TPDES Permit No. WQ0010147001, Sludge Provisions, Section I, B. Testing Requirements No. 1

Violation Description

Failed to comply with test procedures for the analysis of pollutants, as documented during an investigation conducted on July 9, 2015. Specifically, the toxicity characteristic leachate procedures ("TCLP") samples were stored at 17.3 degrees Celsius. The samples are required to be stored at 6 degrees Celsius or less.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

11 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$187

Extraordinary

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent achieved compliance on July 20, 2015.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$803

This violation Final Assessed Penalty (adjusted for limits) \$803

Economic Benefit Worksheet

Respondent City of Centerville
Case ID No. 51152
Reg. Ent. Reference No. RN101610624
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	9-Jul-2015	20-Jul-2015	0.03	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational procedures to ensure that TCLP samples are stored at the required temperature. Date required is the investigation date and final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$0

Screening Date 19-Aug-2015

Docket No. 2015-1282-MWD-E

PCW

Respondent City of Centerville

Policy Revision 4 (April 2014)

Case ID No. 51152

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101610624

Media [Statute] Water Quality

Enf. Coordinator Farhaudd Abbaszadeh

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 30.350(d) and (j), and 305.125(1), and TPDES Permit No. WQ0010147001, Other Requirements No. 1

Violation Description

Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding the required level of license or registration, as documented during an investigation conducted on July 9, 2015. Specifically, an unlicensed individual was performing process control duties at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to employ or contract a licensed individual or wastewater system operations company could result in poor operation of the Facility which could result in human health or the environment being exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

11 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended from the investigation date (July 9, 2015) to the compliance date (July 20, 2015).

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes The Respondent achieved compliance on July 20, 2015.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,013

This violation Final Assessed Penalty (adjusted for limits) \$4,013

Economic Benefit Worksheet

Respondent City of Centerville
Case ID No. 51152
Reg. Ent. Reference No. RN101610624
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	9-Jul-2015	20-Jul-2015	0.03	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to implement procedures to ensure only licensed operators and operator trainees are operating the Facility. Date required is the investigation date and the final date is the date of compliance

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



History

Compliance History Report

PENDING Compliance History Report for CN600335392, RN101610624, Rating Year 2015 which includes Compliance (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600335392, City of Centerville

Classification: SATISFACTORY

Rating: 2.18

Regulated Entity: RN101610624, CENTERVILLE SEWAGE TREATMENT PLANT

Classification: SATISFACTORY

Rating: 2.18

Complexity Points: 7

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: LOCATED AT 709 EAST SAINT MARY'S, IMMEDIATELY SOUTH OF STATE HIGHWAY 7 AND APPROXIMATELY 1,700 FT EAST OF U.S. HIGHWAY 75 IN CENTERVILLE, LEON COUNTY, TX

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0010147001

WASTEWATER EPA ID TX0077810

WASTEWATER AUTHORIZATION R10147001

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: October 01, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 01, 2010 to October 01, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Farhaud Abbaszadeh

Phone: (512) 239-0779

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 10/01/2015 ADMINORDER 2014-0864-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Limits. & Mon. Reqs. No. 1 PERMIT

Description: Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010147001, Effluent Limitations and Monitoring Requirements No. 1.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Effluent Reporting Requirements PERMIT

Mon. & Reporting Reqs. No. 1 PERMIT

Description: Failed to timely submit monitoring results, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010147001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on May 28, 2014. Specifically, the Respondent failed to submit the DMR for the monthly

monitoring period ending March 31, 2014, by the 20th day of the following month.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	October 15, 2010	(882561)
Item 2	November 18, 2010	(888989)
Item 3	December 17, 2010	(897348)
Item 4	January 18, 2011	(903243)
Item 5	February 17, 2011	(910162)
Item 6	March 21, 2011	(917367)
Item 7	May 19, 2011	(939067)
Item 8	July 19, 2011	(946450)
Item 9	September 14, 2011	(960341)
Item 10	September 19, 2011	(966397)
Item 11	October 19, 2011	(972408)
Item 12	November 18, 2011	(978559)
Item 13	December 19, 2011	(985380)
Item 14	January 19, 2012	(991661)
Item 15	February 17, 2012	(999006)
Item 16	March 19, 2012	(1004527)
Item 17	April 19, 2012	(1011110)
Item 18	May 18, 2012	(1017466)
Item 19	July 09, 2012	(1025265)
Item 20	July 19, 2012	(1032606)
Item 21	September 19, 2012	(1047957)
Item 22	December 19, 2012	(1066338)
Item 23	May 20, 2013	(1107735)
Item 24	June 19, 2013	(1111370)
Item 25	July 18, 2013	(1118269)
Item 26	June 19, 2014	(1188500)
Item 27	July 15, 2014	(1200236)
Item 28	September 09, 2014	(1200237)
Item 29	September 19, 2014	(1206868)
Item 30	October 20, 2014	(1213278)
Item 31	November 19, 2014	(1219532)
Item 32	May 19, 2015	(1263326)
Item 33	July 20, 2015	(1277989)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 11/30/2014 (1225321)	CN600335392	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 12/31/2014 (1232257)	CN600335392	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 01/31/2015 (1243334)	CN600335392	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

Description: Failure to meet the limit for one or more permit parameter

4	Date: 02/28/2015 (1249700)	CN600335392	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
5	Date: 03/31/2015 (1256583)	CN600335392	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
6	Date: 05/31/2015 (1270460)	CN600335392	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CENTERVILLE
RN101610624**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1282-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Centerville ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located at 709 East Saint Mary's, immediately south of State Highway 7 and approximately 1,700 feet east of United States Highway 75 in Centerville, Leon County, Texas (the "Facility").
2. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 16, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seven Thousand Four Hundred Ninety-One Dollars (\$7,491) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Nine Hundred

Ninety-Three Dollars (\$5,993) of the administrative penalty and One Thousand Four Hundred Ninety-Eight Dollars (\$1,498) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by July 20, 2015, the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted noncompliance reports to the TCEQ Waco Regional Office for the monitoring periods ending January 31, 2015 and March 31, 2015.
 - b. Updated operational procedures to ensure that noncompliance reports are submitted in a timely manner and to ensure that toxicity characteristic leachate procedures ("TCLP") samples are stored at the required temperature.
 - c. Submitted a letter stating that only licensed operators and operator trainees are operating the Facility and collection system.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to report any effluent violations which deviate from the permitted effluent limits by more than 40% in writing to the Waco Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9)(A) and Texas Pollutant Discharge Elimination

System ("TPDES") Permit No. WQ0010147001, Monitoring and Reporting Requirements No. 7.c, as documented during an investigation conducted on July 9, 2015. Specifically, the Respondent did not submit noncompliance notifications for *Escherichia coli* violations for the monitoring periods ending January 31, 2015 and March 31, 2015.

2. Failed to comply with test procedures for the analysis of pollutants, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(b), and TPDES Permit No. WQ0010147001, Sludge Provisions, Section I, B. Testing Requirements No. 1, as documented during an investigation conducted on July 9, 2015. Specifically, the TCLP samples were stored at 17.3 degrees Celsius. The samples are required to be stored at 6 degrees Celsius or less.
3. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and (j), and 305.125(1), and TPDES Permit No. WQ0010147001, Other Requirements No. 1, as documented during an investigation conducted on July 9, 2015. Specifically, an unlicensed individual was performing process control duties.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: the City of Centerville, Docket No. 2015-1282-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ron Marrie
For the Executive Director

4/19/16
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Noel R. Goolsby
Signature

3-23-16
Date

Noel Ray Goolsby
Name (Printed or typed)
Authorized Representative of
City of Centerville

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.